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7590	12/22/2004		EXAMINER MAHMOUDI, HASSAN	
Mark J Abate Morgan & Finnegan LLP 345 Park Avenue New York, NY 10154			ART UNIT 2165	PAPER NUMBER

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,864

Applicant(s)

STERN ET AL.

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6, 8-11, 14-23, 25-29, 31-33 and 36-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4, 6, 8-11, 31-33, 40, 43 and 44 is/are allowed.
- 6) ☒ Claim(s) 14-23, 25-29, 36-39, and 41-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17:2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


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Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In response to communications filed on 03-August-2004, claims 6, 8, 19, 21-22, 27, 36, and 40-44 are amended per applicant's request. Therefore, claims 2-4, 6, 8-11, 14-23, 25-29, 31-33, and 36-44 are presently pending in the application, of which claims 36 and 40-44 are in independent form.

Claim Objections

2. Claims 2-4, 6, 8-11, 14-23, 31-33, 40-41, 43 are objected to because of the following informalities:

In claims 9 and 16, line 1, the preamble of the claim does not end with a colon (:).

In claim 40, line 3 of step i), "medium l" needs to be changed to --medium--.

In claim 41, step e) is cancelled without re-labeling the remaining steps. Steps f), g), and h) should be identified as steps e), f), and g) respectively. Also in claim 41, step g), second line: "work station" should be changed to --workstation--.

Claim 43, second line of step b) should end with a semicolon (;).

Appropriate corrections are required.

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Claims 2-4, 6 and 8-11 are objected to because they are dependents from the objected to independent claim 40.

Claims 14-23 are objected to because they are dependents from the objected to independent claim 41.

Claims 31-33 are objected to because they are dependents from the objected to independent claim 43.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 14-23, 25-29, 39, 41-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation “the contents” in line 5, and recites the limitation “the local memory” in lines 5-6. There is insufficient antecedent basis for these limitations in the claim. Appropriate corrections are required.

Claim 26 recites the limitation “the digital image” in line 2 of step i). There is insufficient antecedent basis for these limitations in the claim. For the purpose of examining,

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the examiner is making the assumption that “digital image” is meant to be --electronic image--. Correction is required.

Claim 39 recites the limitation “the sender” in line 1 of step e). There is insufficient antecedent basis for this limitation in the claim. For the purpose of examining, the examiner is making the assumption that “the sender” was meant to be --a sender--. Correction is required.

Claim 41 recites the limitation “the medium” in the second line of step h). There is insufficient antecedent basis for this limitation in the claim. Correction is required.

Claim 42 recites the limitation “the digital image” is line 1 of step c), and in line 2 of step e). There is insufficient antecedent basis for these limitations in the claim. For the purpose of examining, the examiner is making the assumption that “digital image” in both referenced lines is meant to be --electronic image--. Correction is required.

Claims 14-23 are rejected under 35 U.S.C. 112, second paragraph, because they are dependents from the rejected independent claim 41.

Claims 25-29 are rejected under 35 U.S.C. 112, second paragraph, because they are dependents from the rejected independent claim 43.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellesfield et al (U.S. Patent No. 6,282,489) in view of Garfinkle (U.S. Patent No. 6,161,131.)

As to claim 36, Bellesfield et al teaches a method (see column 1, lines 6-14), comprising the steps of:

- b) obtaining geographical coordinates of a location (see column 4, lines 11-25);
 - c) accessing location images, in lieu of taking a picture, stored in a the network according to the geographical location coordinates (see column 4, line 55 through column 5, line 15);
- and
- d) providing obtained geographical location coordinates to the network (see column 4, lines 55-65) and obtaining images from the network according to the provided geographical location coordinates (see column 5, lines 10-15, see column 9, lines 3-8, and see figure 6);

Bellesfield et al does not teach:

- a) generating electronic messages at a terminal wherein the terminal is a laptop or personal digital assistant or other computer device and linked to a network by wired or wireless connection; and

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e) incorporating in an electronic message, where the message was created, at least one of the location images obtained from the network.

Garfinkle teaches a digital real time postcards including information such as geographic location or landmark (see Abstract, and see figure 4), in which he teaches:

generating electronic messages at a terminal (see figures 3-4, see Abstract, and see column 1, lines 23-30, and column 3, lines 27-40) wherein the terminal is a laptop or personal digital assistant or other computer device (see column 2, lines 52-58) and linked to a network by wired or wireless connection (see figure 2, see column 2, lines 37-58, where “network” is read on “Internet” and “wireless” is read on “cellular”, and see column 3, lines 55-64); and

incorporating in an electronic message (see figure 3), where the message was created, at least one of the location images obtained from the network (see figures 3 and 4, and see column 3, lines 27-40.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Garfinkle to include generating electronic messages at a terminal wherein the terminal is a laptop or personal digital assistant or other computer device and linked to a network by wired or wireless connection; and incorporating in an electronic message, where the message was created, at least one of the location images obtained from the network.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bellesfield et al by the teachings of Garfinkle, because including generating electronic messages at a terminal wherein the terminal is a laptop or

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personal digital assistant or other computer device and linked to a network by wired or wireless connection; and incorporating in an electronic message, where the message was created, at least one of the location images obtained from the network, would enable the users to share desired images, photos, image maps, etc. with one another electronically, in particular, a user can provide route directions, by emailing an image map of a location to another user, or, as taught by Garfinkle (figure 3), the user can send an electronic mail message to a recipient, from a "location" (New York), along with personalized text (message 206), along with a location photo (212.)

7. Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellesfield et al (U.S. Patent No. 6,282,489) in view of Garfinkle (U.S. Patent No. 6,161,131) as applied to claim 36 above, and further in view of Tobin (U.S. Patent No. 6,141,666.)

As to claim 37, Bellesfield et al as modified still does not teach wherein the obtained images are provided as part of advertising.

Tobin teaches a system for customizing marketing (see Abstract), in which he teaches wherein the obtained images are provided as part of advertising (see column 7, lines 55-67 and see figure 4.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bellesfield et al as modified to include wherein the obtained images are provided as part of advertising.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bellesfield et al as modified, with the teaching of

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Tobin, because providing the obtained images as part of advertising enables the customers to view images of the items they are looking for which results in increased convenience and speed for on-line shoppers.

As to claim 38, Bellesfield et al as modified teaches the method further comprising the step of:

d) offering the images to users in a prioritized manner based on the amount of payment associated with each image (see Tobin, figure 3.)

As to claim 39, Bellesfield et al as modified teaches the method further comprising the step of:

providing the sender of an electronic message an incentive to include an advertising image in the message (see Tobin, column 13, lines 24-31.)

8. Claims 14-17, 20-23, 25, 28-29, and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al (U.S. Patent No. 6,462,778) in view of Crosby et al (U.S. Patent No. 6,577,311.)

As to claim 41, Abram et al teaches in a system (see column 2, lines 44-48) including an image-collecting camera device (see figure 2), a method for recording an image (see column 1, lines 59-61) including a geographical location, and/or environmental conditions in a medium (see column 1, line 67 through column 2, line 4), comprising the steps of:

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- a) forming an electronic image of an object of interest in digital form in the image-collecting device (see column 1, lines 55-61, and see column 7, lines 32-33);
- b) determining a geographical location of the image (see column 1, line 67 through column 2, line 4);
- c) capturing and storing the image and the geographical location thereof in a memory (see column 2, lines 4-5, and see lines 44-48);
- d) storing descriptive text of a plurality of objects of interest related to the image at geographical locations (see column 1, lines 61-63, and see column 2, lines 1-4);
- f) selecting and associating the descriptive text with the digital image in the workstation (see Abstract; figures 5-7; see column 1, lines 61-64, and see column 4, lines 61-63) under control of a user (see Abstract, where “user control” is read on “the user’s choices”, and see column 1, lines 61-63.)

Abram et al does not teach:

- a camera coupled to a remote data processing system and a workstation via a network using network protocols;
- storing descriptive text and a plurality of objects of interest in a remote processing system or workstation;
- communicating with and accessing the remote processing system; and
- printing the image with the geographical location, and descriptive text associated with the object of interest in the medium at the workstation.

Crosby et al teaches a camera in communication with a network (see Abstract, and see figure 4), in which he teaches:

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a camera coupled to a remote data processing system and a workstation via a network (see figures 4 and 9) using network protocols (see column 2, lines 25-29);

storing descriptive text and a plurality of objects of interest in a remote processing system or workstation (see column 15, lines 39-43, see column 16, lines 36-41, and see column 17, lines 58-65);

communicating with and accessing the remote processing system (see figures 4 and 9, see column 14, lines 46-59, and see column 20, line 65 through column 21, line 28); and

printing the image with the geographical location, and descriptive text associated with the object of interest in the medium at the workstation (see column 18, lines 14-23.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Abram et al to include: a camera coupled to a remote data processing system and a workstation via a network using network protocols; storing descriptive text and a plurality of objects of interest in a remote processing system or workstation; communicating with and accessing the remote processing system; and printing the image with the geographical location, and descriptive text associated with the object of interest in the medium at the workstation.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Abram et al by the teachings of Crosby et al, because including a camera coupled to a remote data processing system and a workstation via a network using network protocols; storing descriptive text and a plurality of objects of interest in a remote processing system or workstation; communicating with and accessing the remote processing system; and printing the image with the geographical location, and descriptive

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text associated with the object of interest in the medium at the workstation, would enable the system to provide the users with a more desirable experience when sharing and printing images, photos, and other multimedia objects, as taught by Crosby et al (see column 5, lines 6-20.)

As to claim 42, Abram et al teaches an article of manufacture (see column 1, line 56):
a program medium, executable in a computer system (see column 8, lines 15-16), for recording an image including a related descriptive text, geographical location information and/or environmental conditions in a picture (see column 2, lines 44-48, where “recording” is read on “storing”, and “related geographical location and descriptive text” is read on “image data file”, and see figure 8), comprising program instruction in the medium (see column 8, lines 15-16.)

For the remaining steps of this claim, the applicant is kindly directed to the remarks and discussions made in claim 41 above.

As to claim 14, Abram et al as modified teaches wherein the means for forming an electronic image further comprises the step of:

h) receiving and converting optical information of the object of interest into compressed digital form (see Abram et al, column 2, line 66 through column 3, line 12.)

As to claim 15, Abram et al as modified teaches further comprising the step of:

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i) converting satellite signals into geographical coordinates in digital form indicative of the image geographical location (see Abram et al, figure 3, and see column 3, lines 39-54.)

As to claim 16, Abram et al as modified teaches further comprising the step of

j) selecting the stored descriptive text related to the object of interest at the geographical location to be recorded in the digital image (see Abram et al, figures 5-6, and 8, and see column 1, lines 55-67.)

As to claim 17, Abram et al as modified teaches wherein the step of determining geographical location includes determining latitude and longitude (see Abram et al, column 6, lines 19-28.)

As to claim 20, Abram et al as modified teaches further comprising the step of:

1) connecting and providing to a network using network protocols (see Crosby et al, figure 4), the image, geographical location, and environmental conditions of the object of interest stored in the image-collecting device for processing and recording in a medium by the network (see Crosby et al, column 17, lines 51-65.)

As to claim 21, Abram et al as modified teaches further comprising the step of:

m) storing thumbnail images related to objects of interest in the remote data processing system according to geographical location coordinates (see Crosby et al, column 5, lines 20-37, column 15, lines 57-67.)

As to claim 22, Abram et al as modified teaches further comprising the step of:

n) transmitting geographical location coordinates of an object of interest (see Abram et al, column 1, line 67 through column 2, line 5) to the remote data processing system (see Crosby et al, column 5, lines 38-48);

o) receiving a thumbnail image related to the geographical location coordinates from the remote data processing system; and recording the related thumbnail image in the medium (see Crosby et al, column 5, lines 20-37, column 15, lines 57-67.)

As to claim 23, Abram et al as modified teaches further comprising the step of:

p) editing the image to include the related geographical location and descriptive text (see Abram et al, column 1, line 56 through column 2, line 5, and see Crosby et al, column 20, lines 12-16.)

As to claim 25, Abram et al as modified teaches further comprising:

h) program instructions for converting satellite signals into geographical coordinates in digital form indicative of the image geographical location for storage in an image-collecting device (see Abram et al, column 3, lines 39-54.)

As to claims 28, Abram et al as modified teaches further comprising:

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k) program instruction in the medium for accessing thumbnail images of objects of interest in the remote data processing system according to geographical location coordinates (see Crosby et al, column 5, lines 20-37, column 15, lines 57-67.)

As to claim 29, Abram et al as modified teaches further comprising:

l) program instruction in the medium obtaining and inserting a thumbnail of an object of interest according to geographical location coordinates and storing in a medium (see Crosby et al, column 5, lines 20-37, column 15, lines 57-67, and see column 16, lines 59-65.)

9. Claims 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al (U.S. Patent No. 6,462,778) in view of Crosby et al (U.S. Patent No. 6,577,311), as applied to claims 14-17, 20-23, 25, 28-29, and 41-42 above, and further in view of Bellesfield et al (U.S. Patent No. 6,282,489.)

As to claims 18 and 26, Abram et al as modified still does not teach further comprising the steps of:

j) accessing the remote processing system or workstation and correlating and recording the digital image with the geographical location, and descriptive text associated with the object of interest in a medium.

Bellesfield et al teaches method and system of displaying a travel route (see Abstract), in which he teaches accessing the remote processing system or workstation and correlating and recording the digital image with the geographical location, and descriptive text associated

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with the object of interest in a medium (see column 4, lines 11-25, column 4, line 55 through column 5, line 15, and column 9, lines 3-8, and see figure 6.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Abram et al as modified, to include accessing the remote processing system or workstation and correlating and recording the digital image with the geographical location, and descriptive text associated with the object of interest in a medium.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Abram et al as modified, by the teachings of Bellesfield et al, because accessing the remote processing system or workstation and correlating and recording the digital image with the geographical location, and descriptive text associated with the object of interest in a medium, would enable the user to associate geographical locations and descriptive information relating to images on a remote computer instead of or in addition to storing this information on the camera device itself, in order to utilize less memory on the camera device.

10. Claims 19, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al (U.S. Patent No. 6,462,778) in view of Crosby et al (U.S. Patent No. 6,577,311), as applied to claims 14-17, 20-23, 25, 28-29, and 41-42 above, and further in view of Cho (U.S. Patent No. 6,292,228.)

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As to claims 19, and 27, Abram et al as modified still does not teach further comprising:

o) environmental sensing means for collecting and storing environmental conditions related to the image at a geographical location for recording in the medium.

Cho teaches a system for automatically adjusting image conditions (see Abstract), in which he teaches environmental sensing means (see Abstract, and see column 2, lines 8-34) for collecting and storing environmental conditions related to the image for recording in the medium (see column 2, lines 42-63, and see column 7, lines 58-61.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Abram et al as modified, to include environmental sensing means for collecting and storing environmental conditions related to the image for recording in the medium.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Abram et al as modified, by the teaching of Cho, because including an environmental sensing means for collecting and storing environmental conditions related to the image for recording in the medium, would enable the system to automatically detect environmental conditions and/or receive the conditions from a user and capture the condition relating to the image in the medium, and enable the user to know the environmental conditions associated with an image.

Allowable Subject Matter

11. Claims 2-4, 6, 8-11, 31-33, 40, and 43-44 are allowed over the prior art made of record.

The applicant is kindly reminded of the claim objections (for minor informalities, as stated in paragraph 2 of this Office Action) and claim rejections (made under 35 U.S.C. § 112, second paragraph, as stated in paragraphs 3-4 of this Office Action). Any final consideration to allow claims 2-4, 6, 8-11, 31-33, 40, and 43-44, would require overcoming all above detailed objections and rejections made to the independent claims 40 and 43, and their dependent claims.

12. The following is a statement of reasons for allowance:

The prior art of record, Bellesfield et al (U.S. Patent No. 6,282,489), Crosby et al (U.S. Patent No. 6,577,311), Abram et al (U.S. Patent No. 6,462,778), Cho (U.S. Patent No. 6,292,228), Murphy et al (U.S. Patent No. 6,282,362), and Tobin (U.S. Patent No. 6,141,666), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

means for storing and accessing descriptive text related to the image at the geographical location;

means for selecting and correlating the descriptive text with the image at the geographical location;

means for communicating the recorded image to a network for subsequent processing using network protocols; and

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means under user control for communicating with and accessing the server for correlating and recording the digital image with geographical location and descriptive text stored in the server associated with the object of interest in a medium, as claimed in claim 40.

Claims 2-4, 6, and 8-11 are allowed over the prior art made of record because they are dependents from the allowed independent claim 40.

The prior art of record, Bellesfield et al (U.S. Patent No. 6,282,489), Crosby et al (U.S. Patent No. 6,577,311), Abram et al (U.S. Patent No. 6,462,778), Cho (U.S. Patent No. 6,292,228), Murphy et al (U.S. Patent No. 6,282,362), and Tobin (U.S. Patent No. 6,141,666), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

means for obtaining geographical coordinates of a location;

means for providing the geographical location coordinates to a network and obtaining images from the network according to the geographical location coordinates;

means for accessing location images, in lieu of taking a picture, stored in the network according to the geographical location coordinates; and

means for incorporating in an electronic message transmitted over the network, where the message was created, at least one of the location images obtained from the network, as claimed in claim 43.

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Claims 31-33 are allowed over the prior art made of record because they are dependents from the allowed independent claim 43.

The prior art of record, Bellesfield et al (U.S. Patent No. 6,282,489), Crosby et al (U.S. Patent No. 6,577,311), Abram et al (U.S. Patent No. 6,462,778), Cho (U.S. Patent No. 6,292,228), Murphy et al (U.S. Patent No. 6,282,362), and Tobin (U.S. Patent No. 6,141,666), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

means for determining a geographical location of the image and related environmental conditions;

means for recording the image, environmental conditions and related geographical location;

means for communicating the recorded image, environmental conditions with related geographical location to a network for subsequent processing; and

means for communicating and accessing the server for programmatically correlating and recording the digital image with geographical location, environmental conditions and descriptive text associated with the object of interest in a medium under user control, as claimed in claim 44.

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Response to Arguments

13. Applicant's arguments filed on 03-August-2004 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds of rejection.


Conclusion

14. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (571) 272-4083.

tm

November 22, 2004


DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100